IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5951 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHENDRABHAI V PATEL - Petitioner(s)

Versus

MANAGING DIRECTOR - Respondent(s)

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Appearance :

MR RD RAVAL for Petitioner No(s).: 1.

MR NAYAK for M/S TRIVEDI & GUPTA for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 17/08/2005

ORAL JUDGMENT

1.0 The petitioner has prayed to quash and set aside the award dated 07.02.1997 passed by the Labour Court,

Vadodara, in Reference No. 412 of 1986, whereby the said reference was rejected.

2.0 The brief facts of the case are that the petitioner herein was employed by the respondent Company w.e.f. 01.08.1981 and his services were brought to an end w.e.f. 03.02.1986. Against the said order, the petitioner raised a dispute, which, ultimately, culminated into a reference before the Labour Court, Vadodara. The Labour Court, by impugned award, rejected the said reference. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. In the impugned award, the Labour Court has concluded that the petitioner cannot be termed to be a “workman” under the definition of the Industrial Disputes Act, 1947. In the alternative, the Labour Court has also observed that even if it was presumed that the petitioner was a “workman”, appropriate procedure was followed by the respondent while terminating his services. Moreover, the mis-statement made by the petitioner that he was orally terminated was also not believed. In that view of the matter, the retrenchment done by the Management is found to be

proper. I am in complete agreement with the reasonings given by the Labour Court and find no reason to interfere in this petition. Hence, the petition deserves to be dismissed.

4.0 In the result, the petition is dismissed. The impugned award dated 07.02.1997 passed by the Labour Court, Vadodara, in Reference No. 412 of 1986 is confirmed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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